

REMARKS

Applicants have carefully reviewed the Office Action dated May 20, 2003. Applicants have amended Claims 1-3, 5-8, and 10 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

The Examiner has rejected Claims 1 and 6 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirements. The Examiner considers that Applicants have only disclosed the concept of "an advertiser is allowed the ability to control a user's PC 112 through the use of tones embedded within a program audio signal" (page 12, lines 19-20). The Examiner also notes that the Applicants have disclosed that this routing information is in the form an embedded code within the audio signal, citing page 22, lines 6-7. The Examiner considers the language "embedding a unique code, which does not contain routing information" in the claims to contradict the specification. Applicants respectfully traverse the decision on this matter.

Applicants believe that there is a misunderstanding as to how Applicants' system works. In general, the unique code is a unique code that will be associated with a vendor. For example, this could be a tone or any type of audibly or perceivable audio signal. This code is assigned to that vendor. There is an associative database stored elsewhere that provides the association between the tone and the unique location on a network. If this were not the case and a unique destination were encoded as a URL, this would present a problem. This is due the fact that web addresses change all of the time and rerouting the web address is difficult and "permanent" embedding of an address. As such, by providing a unique tone that has no routing information contained therein which routing information is actually stored at a different location in an associative database, this allows a vendor to have ownership of this unique code and use this unique code for many different routing situations. All that is required by the vendor is to go to the associative database and change the association. It is at this associative database that the destination information lies. This is clearly described in Applicants' specification with respect to the central operation thereof. For example, in Fig. 18, it can be seen that at block 1810, an intermediate node routing message packet is assembled and then transmitted to the intermediate node at block 1814.

AMENDMENT AND RESPONSE

S/N 09/378,217

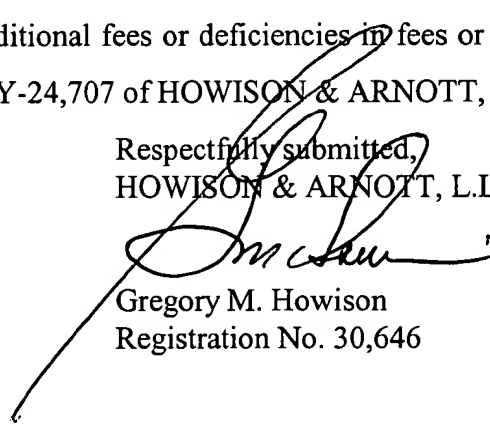
Atty. Dkt. No. PHL-24,707

Thereafter, a new packet is routed with information as to the destination of the destination node. This information was perceived from the intermediate location, this being the ARS 308, set forth in Fig. 17. As such, clearly, there is no destination location embedded within the unique code. This must be obtained by sending the unique code over to a predetermined location, that of the ARS of 308, on the network. Therefore, Applicants believe that Claims as set forth in prior amendments are clear and, therefore, the withdrawal the 35 U.S.C. §112 rejection with respect to claims 1-6 is respectfully requested.

In view of the above notations, Applicants believe that the claims as set forth previously and as currently amended are allowable and distinguishable over both *Bendinelli* and *Ullman* et al. taken singularly or in combination. The reason for this is that both of these prior art systems embed a URL. This is exactly what Applicants' invention attempts to cure, i.e., provide a compact disk that has no predefined URL embedded therein. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §103 rejection with respect to Claims 1-10 in view of either the combination of *Bendinelli* et al. and *Ullman* et al. or further in view of the addition of *Hitzelberger*.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,707 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
HOWISON & ARNOTT, L.L.P.


Gregory M. Howison
Registration No. 30,646

GMH:yoc
P.O. Box 741715
Dallas, Texas 75374-1715
Tel: 972-479-0462
Fax: 972-479-0464
September 22, 2003

AMENDMENT AND RESPONSE
S/N 09/378,217
Atty. Dkt. No. PHLY-24,707